

REMARKS

Claims 1-37 are in the application. Claims 1, 3-5, 10-12, 14-17, 20, 21, 26-28, and 30-35 are currently amended; and claims 2, 6-9, 13, 18, 19, 22-25, 29, 36, and 37 remain unchanged from the original versions thereof. Claims 1, 17, and 33 are the independent claims herein.

No new matter is added as a result of the amendments submitted herewith.
Reconsideration and further examination are respectfully requested.

Claim Rejections Under 35 USC § 103(a)

Claims 1-37 are rejected as being unpatentable over Roach et al, US 5,434,394 (hereinafter, Roach) and in view of Walker et al, US 6,336,104 (hereinafter, Walker). This rejection is respectfully traversed.

Regarding claim 1, the Office Action states that Roach discloses the claimed invention except for: if desired by the customer, executing a charge purchase during the check out process at the point of sale system. The Office Action cites and relies upon Walker to disclose executing a charge purchase during the checkout process.

Applicant respectfully notes that claim 1, as currently amended states, in part, performing a credit worthiness check to determine a credit pre-approval of said customer, said performing is done using a result of said searching and without knowledge of and uninitiated by said customer; (emphasis added)

Claims 17 and 33 are, in relevant part with respect to the pending rejection, worded similar to claim 1. It is clear that Applicant claims a method that pre-screens a customer for a credit charge account by performing a credit worthiness check. Claim 1 clearly and unambiguously states that the check of the customer's credit worthiness is performed without the customer's knowledge and, further, that the customer does not initiate the credit check.

Applicant respectfully submits that the cited and relied upon Roach fails to disclose or suggest, alone or in combination with the cited and relied upon Walker, performing a credit worthiness check to determine a credit pre-approval of the customer without knowledge of and uninitiated by the customer, as claimed by Applicant.

Referring to Roach, it is respectfully submitted that Roach discloses a system for processing sale transactions at a combined point of sale and warehouse facility. The system and method disclosed in Roach require a customer to be an authorized member of the point of sale system to shop at the point of sale, either a registered member or a guest (i.e., visitor) member. (See Roach, FIG. 3, steps 302-318). The required membership card is referenced extensively throughout Roach. Roach, in limited instances, also discusses a credit card or credit account. Thus, care should be exercised in reading Roach to avoid confusing a reference to the "member" card with a reference to the "credit" card.

For example, the Office Action cites and relies upon Roach (col. 8, ln. 1-19) for disclosing the claimed providing the customer with an invitation to open a charge account. However, a careful reading of Roach reveals that the relied upon Roach citation discusses a member card 66 (See FIG. 2) and an associated member account, not a credit account. Roach discloses soliciting a member card 66 from the customer at the relied upon citation. Roach fails to disclose providing an invitation for a credit account therein.

Furthermore, in the instance Roach does disclose opening a credit account for the customer, Roach clearly discloses that the customer applies for the credit account by submitting a credit account application. In conjunction with FIG. 7b, Roach discloses that upon entering the member name or member number in step 758 the system proceeds to step 760 where an application for a store charge account is displayed on a display screen. "The application for a store charge screen requires the operator to supply the system with additional information concerning the applicant, including the member's driver license number, social security card, date of birth, whether the member wishes credit insurance and his credit limit." (See Roach, col. 20, ln. 19-27) The member applies for the credit account and in doing so submits additional personal information other than the already provided member name or member number. Thus, it

is clear that Roach requires a member to knowingly apply for the store credit account (i.e., applicant), and supply additional information other than the customer name or customer number.

Applicant notes that the claimed method does not require additional information to perform the credit worthiness check, as does Roach. Claim 1 states that the performing of the credit check is done using the customer data received at the point of sale. The credit check is done using simple customer data provided by the customer in conjunction with a product purchase or checkout process.

Accordingly, the customer in Roach knowingly applies for the credit account and initiates the credit application process (e.g., credit worthiness check) by submitting the credit application. Therefore, Roach fails to disclose or suggest performing a credit worthiness check to determine a credit pre-approval of the customer, the performing being done using a result of the searching and without knowledge of and uninitiated by the customer, as claimed by Applicant. At no point in the disclosure thereof does Roach disclose or suggest performing a credit worthiness check to determine a credit pre-approval of the customer, the performing being done using a result of the searching and without knowledge of and uninitiated by the customer.

Moreover, the cited and relied upon combination of Roach and Walker fails to disclose or suggest the claimed performing a credit worthiness check to determine a credit pre-approval of the customer, the performing being done using a result of the searching and without knowledge of and uninitiated by the customer.

Therefore, for at least the foregoing reasons, Applicant respectfully submits that the cited and relied upon Roach and Walker combination does not render claim 1 obvious under 35 USC 103(a). The reconsideration and withdrawal of the rejection of claim 1 are requested.

Applicant respectfully submits that dependent claims 2-16 are patentable for at least depending on a patentable base claim.

Claims 17-37 were rejected for reasons similar to those provided for the rejection of claims 1-16. Applicant respectfully submits, for at least similar reasons discussed regarding claim 1, that the cited and relied upon Roach and Walker combination does not render claims 17 and 33 obvious under 35 USC 103(a). Applicant respectfully submits that dependent claims 18-32 and 34-37 are patentable for at least depending on a patentable base claim 17 and 33, respectively. The reconsideration and withdrawal of the rejection of claims 17-37 are requested.

CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims 1-37. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-0081.

Respectfully submitted,



September 27, 2004
Date

Kurt M. Maschoff
Registration No. 38,235
Buckley, Maschoff & Talwalkar LLC
Five Elm Street
New Canaan, CT 06840
(203) 972-0081